

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-3, drawn to a coryneform bacterium in which an arginine repressor does not function in a normal manner and which has L-arginine producing ability; and

Group II: Claim 4, drawn to a method for producing L-arginine.

Applicants elect, with traverse, Group I, Claims 1-3.

The Office has characterized the inventions of Groups I and II as related as product and process of use. The Office alleges that "the process for using the product as claimed can be practiced with another materially different product such as using chemical reagents in a chemical synthesis or preparation of L-arginine." On what basis does the Examiner arrive at this conclusion? The same product claimed in Group I is used in the method of Group II. Therefore, the Restriction Requirement between the inventions of Groups I and II is improper and should be withdrawn.

Applicants further traverse the Restriction Requirement on the ground that it would pose no undue burden on the Office to examine all claims. MPEP §803 states as follows:

That the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct their independent inventions.

Applicants submit that a search of all claims will not constitute a serious burden on the Office.

In view of the foregoing, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement and respectfully request its withdrawal.

Finally, Applicants note that MPEP §821.04 states, "if Applicants elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all of the limitations of the allowable product claim will be rejoined." Applicants respectfully submit that should the elected group be found allowable, the non-elected method claims should be rejoined.

Applicants have now submitted a substitute Sequence Listing and a corresponding computer-readable Sequence Listing. The sequence information recorded in the corresponding computer-readable Sequence Listing is identical to the paper copy of the substitute Sequence Listing. Support for all of the sequences listed in the substitute Sequence Listing is found in the present application as originally filed. No new matter is believed to have been introduced by the submission of the substitute Sequence Listing and the corresponding computer-readable Sequence Listing.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits. Early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



**22850**

(703) 413-3000  
Fax #: (703) 413-2220  
NFO/DJP/law

I:\user\DJPER\206018US-am.wpd

**Marked-Up Copy**  
Serial No: 09/835,381  
Amendment Filed on:  
August 14, 2001

IN THE SPECIFICATION

Please amend the specification as follows.

Please delete the original Sequence Listing on pages 32-50 without prejudice.

Page 52 (Abstract) after the last line, beginning on a new page, please insert the attached substitute Sequence Listing.